



JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

STEPHANIE M. VILELLA ALONSO
Assistant Corporation Counsel
Phone: (212) 356-2318
Fax: (212) 356-3509
svilella@law.nyc.gov

September 23, 2020

VIA ECF

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Jordy Peralta v. City of New York, et al., 20-CV-4884 (JMF) (GWG)

Dear Mr. Bromberg:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter. Defendant City of New York writes respectfully in response to plaintiff's request for additional time to serve his Amended Complaint.

Yesterday, plaintiff requested a sixty-day extension to file an Amended Complaint and file proof of service as to Officer Gembecki and three unidentified members of service, from today, until November 23, 2020. (See ECF No. 16). Defendant City of New York first notes that plaintiff did not properly seek the undersigned's consent for an extension request as required by Your Honor's individual rules. While the parties conferred regarding service as to Officer Gembecki at One Police Plaza, counsel merely asked whether this Office would be undertaking representation and contesting service in order to determine whether plaintiff should request a ninety-day extension request. In response, the undersigned indicated that One Police Plaza is the proper service address, but that we had not yet determined if we would be undertaking representation. Accordingly, defendant deems any extension request for proof of service as to Officer Gembecki unnecessary at this time.

With respect to the unidentified members of service allegedly involved in the underlying incident, defendant City of New York respectfully notes that plaintiff filed his Complaint on June 25, 2020, and has yet to provide 160.50 and medical releases as required by Local Civil Rule 83.10, despite the undersigned's requests by email and letter for such releases. An executed 160.50 release may help this Office ascertain the identities of such individuals.

Accordingly, plaintiff should provide such releases promptly if he wishes to name additional members of service.

Thank you for your prompt attention to this matter.

Respectfully submitted,



Stephanie Michelle Vilella Alonso
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **VIA ECF**
Brian Lewis Bromberg and Joshua Tarrant-Windt
Bromberg Law Office, P.C.
Attorneys for Plaintiff

Jonathan Anthony Fink
Fink & Katz, PLLC
Attorneys for Plaintiff

The parties should take note that this case has not been referred to Magistrate Judge Gorenstein. Accordingly, any submissions and requests for relief should be addressed to the undersigned.

Plaintiff is reminded to review the Court's Individual Rules and Practices. In particular, Paragraph 1(E) states that absent emergency, extension requests should be made at least 48 hours in advance of a deadline and that extension requests must state whether or not the adversary consents.

In light of the City of New York's letter, Plaintiff's motion for an extension of time to serve Defendant Gembecki is DENIED. Plaintiff's motion to extend the time to serve the three unidentified defendants until November 23, 2020, is GRANTED. The Clerk of Court is directed to terminate ECF No. 16. SO ORDERED.



September 23, 2020